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Protracted conflicts in the GUAM area and their implications for international peace, security and development

Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia

Report of the Secretary-General

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 70/265, in which the Assembly requested the Secretary-General to submit a comprehensive report at its seventy-first session on the implementation of the resolution. The report covers the period from 1 April 2016 to 31 March 2017 and draws on information received from a number of United Nations entities.

2. In accordance with the provisions of the resolution, the report focuses on: (a) the right of return of all refugees and internally displaced persons and their descendants, regardless of ethnicity; (b) the prohibition of forced demographic changes; (c) humanitarian access; (d) the importance of preserving the property rights of refugees and internally displaced persons; and (e) the development of a timetable to ensure the prompt voluntary return of all refugees and internally displaced persons to their homes.

II. Background

3. Following an escalation of conflict in 1992-1993, which caused significant displacement of civilians, armed hostilities between the Georgian and Abkhaz sides ended with the signing in Moscow on 14 May 1994 of the Agreement on a Ceasefire and Separation of Forces (see S/1994/583 and Corr.1). That agreement was preceded by the signing in Moscow on 4 April 1994 of the quadripartite agreement on the voluntary return of refugees and displaced persons (see S/1994/397), in which the parties agreed to cooperate and interact in planning and conducting activities to safeguard and guarantee the safe, secure and dignified return of people who had fled from areas in the conflict zone to the areas of their previous permanent residence. Armed hostilities between the Georgian and South Ossetian sides ended with the 24 June 1992 Sochi Agreement, which established a ceasefire between the Georgian and South Ossetian forces and the creation of the Joint Control Commission and Joint Peacekeeping Forces.

4. Following the hostilities which started in the Tskhinvali region/South Ossetia on 7 and 8 August 2008, the six-point ceasefire agreement of 12 August 2008 and the implementing measures of 8 September 2008 (see S/2008/631, paras. 7-15), international discussions were launched in Geneva on 15 October 2008, co-chaired by representatives of the European Union, the Organization for Security and Cooperation in Europe (OSCE) and the United Nations (see S/2009/69 and Corr.1, paras. 5-7). In accordance with the agreement, the international discussions were to address the issues of security and stability and the return of internally displaced persons and refugees. By the end of the reporting period, 39 rounds of the Geneva international discussions had been held, with participants meeting in two parallel working groups.

5. In June 2011, the General Assembly, in its resolution 65/288, approved the budget for the United Nations Representative to the Geneva International Discussions. The establishment of this special political mission has facilitated the continued engagement of the United Nations in the Geneva process. The United Nations Representative and his team are responsible for preparing, in consultation with the other two Co-Chairs and their teams, the sessions of the Geneva international discussions. In December 2015, the General Assembly, in its resolution 70/249 A, appropriated the programme budget for the biennium 2016-2017 for special political missions, including for the United Nations Representative to the Geneva International Discussions. Moreover, in my report on estimates in respect of special political missions, good offices and other political initiatives authorized by

the General Assembly and or the Security Council, I included among the proposed resource requirements for the period from 1 January to 31 December 2017 the United Nations Representative to the Geneva International Discussions, which has an open-ended mandate (see A/71/365 and Add.1).

6. The United Nations Representative to the Geneva International Discussions and his team are also responsible for preparing, convening and facilitating the periodic meetings of the Joint Incident Prevention and Response Mechanism under United Nations auspices in Gali (see S/2009/254, paras. 5 and 6). Since their inception and after a four-year suspension, a total of 45 meetings of the Mechanism had been held with Georgian, Abkhaz, Russian and European Union Monitoring Mission participation by the end of the reporting period. I urge all participants to continue to use the Mechanism effectively in order to prevent incidents and respond immediately to any security-related occurrences. I am hopeful that meetings of the Mechanism will continue to contribute to the maintenance of a stable and calm situation on the ground and to help address and resolve cases and issues of concern to participants in the Mechanism.

7. During the reporting period, participants in Working Group I of the Geneva international discussions continued to discuss the security situation on the ground. In all rounds of the Geneva international discussions that took place during the reporting period, all participants assessed the overall security situation as relatively calm and stable. They also continued discussions on the key issues of the non-use of force and international security arrangements. In that regard, it should be noted that international obligations constraining the use or threat of force, without prejudice to the right of individual or collective self-defence, are embodied in the Charter of the United Nations and other international instruments. There were also discussions on steps in the direction of pledges on the non-use of force, including on the unilateral statements by all relevant stakeholders. I encourage all relevant participants to engage constructively in Working Group I, including on the issues of the non-use of force and freedom of movement, in order to make tangible progress without delay.

8. Working Group II continued to focus on the humanitarian needs of all affected populations. Although the issue of internally displaced persons and refugees and their voluntary return was kept on the agenda, there was, regrettably, no discussion and no progress in addressing this important issue in the rounds of the Geneva international discussions. All participants repeatedly expressed the importance of the matter and their willingness to address it as part of and outside the Geneva international discussions. Regrettably, however, "walkouts" by some participants in the Geneva international discussions under this particular agenda item have become the norm. I strongly urge all participants to reconsider and refrain from these actions and to address all their respective concerns within the context of the Geneva international discussions. There was no sustainable return to areas of origin or habitual residence during the reporting period.

9. In the context of Working Group II, I am pleased to note that despite repeated disruptions of the discussion in the Working Group, caused by walkouts by some participants during the discussion of the agenda item dealing with "returns", there have been constructive discussions followed by concrete activities on humanitarian issues, including in relation to cultural heritage, environmental protection, in particular the fight against the box tree moth, and the issue of archives. The co-moderators discussed with participants the possibility of allowing humanitarian visits to religious sites, including graveyards, by relatives of the deceased, including those who were killed during the conflicts, across administrative boundary lines throughout the year, especially during the Easter period. I strongly urge the sides to favourably consider such "good faith" gestures in the future.

10. I reiterate previous calls to the participants to facilitate unfettered access for the Office of the United Nations High Commissioner for Human Rights (OHCHR) to allow it to determine the nature and scope of the human rights protection needs in line with its methodology and on the basis of international human rights standards and best practices. On 24 March 2017, the Human Rights Council adopted resolution 34/37, entitled "Cooperation with Georgia", in which the Council, inter alia, called for immediate access for OHCHR and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia. The Council also requested the United Nations High Commissioner for Human Rights to present an oral update to the Council on the follow-up to the resolution at its thirty-fifth session and to present a written report on developments relating to and the implementation of the resolution at its thirty-sixth session.

11. Another topic that sustained attention from all participants was the continued unknown fate of persons who went missing during the conflicts. The understanding shown by all participants of Working Group II for the plight of the families of the missing and the commitments made to engage meaningfully on the issue, in particular by supporting the work of the International Committee of the Red Cross, is commendable. Some progress has been made during the past year in relation to missing persons from South Ossetia through the work of a consultant recruited within the framework of the Geneva international discussions and sponsored by OSCE. While many humanitarian issues remain unresolved, the Geneva international discussions continue to offer an opportunity for participants to engage on such issues in a constructive manner.

12. In order to allow for more informed debates, special information sessions were conducted in conjunction with the formal rounds of the Geneva international discussions, allowing participants to benefit from the experience and advice of the United Nations, non-governmental organizations (NGOs) and other experts in various areas. Participants were given the opportunity to deepen their understanding of, inter alia, disaster risk management, public health preparedness, freedom of movement, "mother tongue-based" multilingual education and threat perception issues.

13. I am encouraged that during the entire reporting period, in general, the working atmosphere at the Geneva rounds has improved thanks to the efforts of all participants. They have repeatedly expressed their support and commitment to the process. While this is encouraging, improving the efficiency of the process and making tangible progress on the main issues in both working groups remains crucial to enhancing stability in the region and to making progress on the remaining security, humanitarian and other challenges. In this context, I once again fully support the efforts of the Co-Chairs to further stabilize the Geneva process by introducing ground rules for all participants, including the cessation of walkouts, to help create a conducive atmosphere for dialogue and practical problem-solving at the Geneva international discussions. I urge all participants to respect these ground rules in their entirety. I also join all the participants and Co-Chairs in reiterating that the Geneva international discussions remain the only forum for relevant stakeholders to meet and address the issues identified in General Assembly resolution 70/265.

III. Right of return

A. Scope of displacement, return and local integration

14. No major changes were observed during the reporting period with regard to internally displaced persons or refugees exercising their right to return, and no new significant displacements were registered. According to the database of the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, as at 1 January 2017 there were 273,765 individuals registered as internally displaced persons in Georgia. The largest numbers of internally displaced persons were registered in Tbilisi and Zugdidi. The generational aspects of displacement in the absence of durable solutions are of concern. According to data from the Ministry's Analytical Unit, the number of internally displaced persons increased by 11,061 between 2014 and 2017, primarily as a result of births.

15. While internally displaced persons retain the right to return, the Government of Georgia continued its efforts to provide internally displaced persons with durable housing solutions and access to livelihood opportunities. I commend the continued efforts of the Government of Georgia to support internally displaced persons, including with housing and other assistance. However, I am also concerned that by the end of 2016, only 40 per cent of all internally displaced persons had been provided with a durable housing solution. As the Special Rapporteur on the human rights of internally displaced persons observed during a follow-up visit to Georgia in September 2016, there remains an urgent need to continue to improve the living conditions of internally displaced persons, in both collective centres and in private accommodation. The Special Rapporteur has welcomed the Government's efforts to continue to provide internally displaced persons with durable housing on the basis of vulnerability criteria and following transparent allocation procedures jointly developed with NGOs. The Special Rapporteur also raised the need, however, for greater efforts to provide internally displaced persons with access to employment and livelihoods, notwithstanding the adoption of a livelihood action plan for internally displaced persons for the years 2016-2017 and the establishment of a legal entity of public law for livelihoods within the Ministry.

16. The authorities in control in Abkhazia continue to deny the return of ethnic Georgian internally displaced persons to locations of their origins or habitual residence that are outside of the Gali, Ochamchira and Tkvarcheli districts. The Office of the United Nations High Commissioner for Refugees (UNHCR) has repeatedly sought assurances from the authorities in control with regard to returnees' rights relating to permanent residence, freedom of movement, birth registration and property ownership. More generally, the United Nations has called for ensuring returnees' access to political rights, equal protection before the law, social security, health care, work and employment, education, freedom of thought, conscience and expression, and cultural life. In December 2016, the "Law on the Legal Status of Foreigners in Abkhazia" was amended to allow for the introduction of a "foreign residence permit", which would help ethnic Georgians living in Abkhazia to more easily exercise their rights; the "amendment" is expected to be implemented during the next reporting period. In the meantime, between July and December 2016, the Abkhaz authorities in control issued temporary identification documents (Form No. 9) to some 12,000 ethnic Georgians, allowing them freedom of movement, access to services and access to employment.

17. During the reporting period, the authorities in control in Abkhazia and the Government of Georgia allowed UNHCR to establish a shuttle bus to transport vulnerable persons free of charge across Inguri Bridge, the main crossing point across the Inguri River. This further enabled the elderly, persons with disabilities,

vulnerable women and children to cross for family visits, medical care or shopping purposes.

18. Also during the reporting period, for the first time since 2009, UNHCR was able to undertake a visit to upper Kodori Valley, which allowed it to assess the humanitarian situation in this isolated area, distribute much-needed cash and introduce recommendations for assistance, notably infrastructural repairs to improve accessibility and the provision of services. The Abkhaz authorities in control furthermore agreed that the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) could establish itself in Abkhazia to take over from UNHCR a partnership with a local NGO active in the prevention of and the response to various forms of sexual and gender-based violence.

19. The South Ossetian authorities in control have indicated their openness to the return of internally displaced persons to South Ossetia, although mainly to Akhalgori district and provided that the person is going to reside there. Visits to Akhalgori district appear to be possible for those displaced from that area and their relatives. The South Ossetian authorities in control have issued some 4,300 new crossing documents (*propusk*), which are in addition to some 1,000 South Ossetian so-called "passports" also allowing the crossing of the administrative boundary line. UNHCR continues to observe the regular movement of people across the administrative boundary line in South Ossetia, although a number of displaced persons are still deprived of such documentation for crossing.

20. I am pleased to note the humanitarian assessment mission in South Ossetia that was undertaken by UNHCR to the Tskhinvali and Akhalgori districts in August 2016, and I am grateful to all relevant stakeholders for facilitating the mission. Through the mission, UNHCR was able to observe ongoing efforts of the authorities in control to improve the life of people, in particular in Akhalgori district, including efforts to facilitate freedom of movement across the administrative boundary line. I urge such efforts to continue and to be further stepped up. During its short visit, UNHCR could also observe that 6 out of 11 schools in Akhalgori practice Georgian as the language of instruction. I urge all relevant stakeholders to facilitate efforts by UNHCR and other humanitarian organizations to deliver humanitarian assistance to persons in need, and I appeal to all relevant stakeholders to demonstrate flexibility and openness to provide unfettered, sustained humanitarian access.

21. UNHCR remains ready to resume consultations on the return of persons of concern to Abkhazia and South Ossetia with a view to securing the safe and voluntary nature of any such movement. I encourage all stakeholders to keep options for return open and to abstain from any restrictive measures. Moreover, further steps are needed to ease the crossing procedures in the area to allow individuals not only to maintain contact and follow developments in their home communities, but also to make a free and informed choice as to whether to return or to integrate in areas of displacement or elsewhere.

22. Regrettably, so-called "borderization" measures along the administrative boundary lines with both South Ossetia and Abkhazia continued throughout the reporting period. Monitoring missions by UNHCR identified that obstacles to freedom of movement continue to be mounted along the administrative boundary lines, including so-called "state border signs", watch posts and surveillance equipment. These measures reportedly enable the authorities in control in Abkhazia and South Ossetia, as well as Russian Federation border guards, to track and potentially detain villagers who intentionally or unintentionally cross the administrative boundary line, for example, when visiting graveyards or attending family business such as weddings, retrieving stray cattle, attending to irrigation channels or transiting to and from work in their fields. I am pleased that the

meetings of the Joint Incident Prevention and Response Mechanism in Ergneti and those in Gali have, in some instances, helped in negotiating the quick release of arrested villagers, and I call upon all entities to show humanitarian consideration for local villagers engaging in traditional livelihood activities.

23. The primary remaining protection and reintegration challenges relate to shelter rehabilitation needs and limited livelihood opportunities. The inability to freely access fields, orchards, traditional grazing grounds, forests and markets has reduced income and employment opportunities and further limited communication and relations between families living on opposite sides. The fencing measures along the administrative boundary lines exacerbated the already difficult living conditions of internally displaced persons and persons who are not internally displaced, including and in particular in the mountain regions of Georgia, characterized by a lack of access to services owing to isolation and lack of information. The previously existing societal structures of the villages have disintegrated and villages are emptying, with only a few elderly occupants remaining year-round in many locations. To mitigate the most harmful impact on the survival mechanisms and livelihoods of the population, the Government of Georgia's "Interim Governmental Commission Addressing the Needs of Affected Communities in Villages along the Dividing Line" continues to mobilize State funds for investment in villages affected by fencing to develop infrastructure relating to irrigation and drinking water, road connections, education, agriculture, shelter, heating and health.

24. Thanks to the efforts of the Government of Georgia and its international partners, the level of dissatisfaction of internally displaced persons regarding housing offered to them has decreased. This was enabled through important measures, including improved legislation regulating the provision of housing and increased offers of housing in urban and economic centres rather than in isolated rural areas. However, there are still concerns about the selection process for recipients, who are not always the most in need among the displaced population. Continued development of the hotline for internally displaced persons to reach ministry officials using low-cost Internet-based call-in-phone technology, and the addition of Internet chat and complaints mechanism components, supported by UNHCR, has been implemented at the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia. This allows internally displaced persons in remote locations to directly reach ministry officials without having to travel to Tbilisi, to express concerns and resolve problems. Other efforts, such as continued privatization and rural housing projects, which combine the provision of shelter with agricultural land, have expanded the housing options. However, considering the total needs, durable housing solutions remain limited. In that regard, alternative solutions deserve consideration.

25. Despite ongoing efforts to assist the internally displaced persons, given the scale of the displacement, substantial challenges concerning their integration remain. The Government of Georgia assessed that some $750 million would still be required to meet the remaining housing needs of internally displaced persons. This is the estimated cost of providing some 50,000 families with various types of accommodation. Despite Government efforts to provide alternative accommodation to internally displaced persons living in dilapidated collective centres, significant needs remain. The living conditions of internally displaced persons who reside in private accommodation are often equally poor as or even less favourable than those of persons residing in collective centres. Moreover, internally displaced persons living in private accommodation lack housing security and often move because of economic instability.

26. The provision of durable housing, while essential, is not the only aspect of integration. Socioeconomic aspects, such as sustainable livelihoods and access to

quality education, medical and social services, must be addressed also. While the United Nations agencies, funds and programmes, together with donors and other stakeholders, remain engaged and continue to assist the Government in protecting and ensuring the rights of the affected populations, acute humanitarian crises in other parts of the world have had a negative impact on the funding level for humanitarian projects in Georgia. Moreover, further progress in integrating and improving the living conditions of internally displaced persons is becoming less a question of humanitarian response and more a matter of mainstreaming their interests into broader development efforts. While the adoption of a livelihood strategy for internally displaced persons is a welcome development, it is now crucial and urgent that the socioeconomic needs of internally displaced persons be addressed alongside those of the local population within the context of national and regional development agendas. The costs of meeting the needs of underdeveloped and impoverished regions are substantial and also require increased State budget allocations.

27. I welcome the decision of the Government of Georgia to reform the assistance to internally displaced persons, to be informed by needs and vulnerabilities, applying a scoring system rather than being based on registration in the database. This is in line with the recommendations of the Special Rapporteur on the human rights of internally displaced persons, who highlighted that "internally displaced person status" is not provided for by international law and that alternative ways of supporting internally displaced persons should be sought that allow for the ending of internally displaced person status and the inheritance thereof, while also allowing internally displaced persons to retain the right of return. The Special Rapporteur has also called for an inclusive and participatory process, involving civil society, international organizations and internally displaced persons themselves in implementing the gradual shift to a needs-based approach to the response to internally displaced persons and in mainstreaming the needs of internally displaced persons in existing local, regional and national development initiatives and in the national social assistance scheme. The Government is reportedly following up on these recommendations, while applying a "mixed model" in mainstreaming assistance to internally displaced persons in the social welfare system, yet retaining a separate assistance programme of a blanket monthly assistance of 45 lari for each internally displaced person who has not yet benefited from a durable housing solution. Echoing the Special Rapporteur, I call upon the Government of Georgia to redouble efforts to allocate sufficient State budget resources to development efforts that include the needs of internally displaced persons, and I also call upon the donor community to remain engaged in providing the funding and support necessary for such displacement-sensitive development initiatives in Georgia.

28. It is estimated that over 45,000 people have previously spontaneously returned to their homes in Gali district. There has been progress in their reintegration, although important needs and protection challenges remain. Those who spontaneously returned to Abkhazia are still officially considered internally displaced persons by the Government of Georgia and, as such, are eligible for assistance. This financial coverage by the Government of Georgia should not relieve the Abkhaz authorities in control from providing returnees with the proper documentation and full access to rights and services.

29. Concerns regarding limitations on basic rights, including freedom of movement, increased as a result of two new so-called "laws": the "Law on the Legal Status of Foreigners in Abhkazia" and the "Law on Procedures of Exit from the Republic of Abkhazia and the Entry into the Republic of Abkhazia", both of which were promulgated by the Abkhaz authorities in control in December 2015, with most provisions coming into force in April 2016. Similar "laws" were also

introduced by the authorities in control in South Ossetia. These provide for the issuance of documentation to the population who are thereby designated as "foreign" or "stateless". While the creation of opportunities to obtain documents from the Abkhaz authorities in control is important to facilitate freedom of movement and access to rights and services for the ethnic Georgian returnee population in the eastern part of Abkhazia, as evidenced by the issuance of some 12,000 Form No. 9 documents (temporary identification documents) during the second half of 2016, the designation of a population that has resided in Abkhazia for multiple generations as "foreigners", the lack of access to political, property, social security and other rights, risk of expulsion for a broad range of perceived transgressions and limited duration and renewal requirements for documents all continue to raise concerns.

30. In the context of freedom of movement, the lack of proper documents, the continuing "borderization" process and the closure of four of the six entry and exit points during the reporting period further restricted the ability of the population in Abkhazia to travel across the administrative boundary line. Those who do hold documentation that allows for their freedom of movement now have to travel long distances as a result of closures. The closure of the crossing points at Nabakevi/Nabakia and Otobaia-2/Bgoura now significantly complicates movement across the administrative boundary line, in particular for family visits, land tenure and shopping purposes, and notably for medical evacuations and participation in mother-tongue education. Not only does this closure have a negative impact on the fundamental right to freedom of movement allowing for people-to-people contact across the dividing line, it also further impoverishes the ethnic Georgian population in the eastern part of Abkhazia, which is now bound to purchase food and non-food items in Gali district, where prices are often double those across the administrative boundary line. I reiterate my past calls for the participants in the Geneva international discussions to refrain from any unilateral action that may have an adverse impact on the humanitarian situation of the affected populations and their access to rights and services and undermine the work of the discussions.

31. While the debate about the future status of the returnee population in Abkhazia continues, the returnee population remains concerned about the regularization of its stay and documentation. With efforts under way to address status and documentation issues that appear to facilitate movement, notably the announced introduction of the "foreign resident permit" under the amended so-called "Law on the Legal Status of Foreigners in Abkhazia", it is important that these efforts materialize in a predictable manner in order to enhance confidence and preserve mobility across the administrative boundary line. A variety of infrastructure and livelihood initiatives financed by the international community during the reporting period had a positive impact on the humanitarian and security situation of the population in Gali district and on the reintegration prospects for returnees.

32. While the so-called "treaty on alliance and strategic partnership" provides for "joint Russian-Abkhaz security forces for collective defence" and "joint law enforcement structures for fighting crime", implementation of these measures has reportedly resulted in further restrictions and control of movement along the Inguri River, with the increased presence of and document control by Russian security forces and so-called Abkhaz "security forces". I urge the authorities in control to reopen some of the closed crossing points as soon as possible. The remaining crossing point, together with that of the central Inguri Bridge, which also serves as a crossing for vehicles, has assured relatively orderly crossing for the local population. But the distance makes it difficult to reach for the large majority of the 750 persons who on average used to cross the administrative boundary line at Nabakevi/Nabakia and Otobaia-2/Bgoura. This is despite stated efforts by the

Abkhaz authorities in control to provide additional transport options for those living further away and to facilitate faster crossings across the Inguri Bridge.

33. Additional protection and reintegration challenges remain in eastern parts of Abkhazia. While generally expressing appreciation for the assistance received, the local population continues to report a sense of insecurity, particularly about the future. Remaining specific protection concerns expressed by the returnees relate to: (a) freedom of movement, in particular the longer-term perspective, as messages from authorities in control are perceived as not always being consistent; (b) documentation required to exercise freedom of movement, enjoy rights and gain access to services; (c) access to education, including higher education, and language of instruction; (d) secure access to quality health care (on both sides of the administrative boundary line); (e) occasional incidents of discrimination, including those related to documentation and taxes; and (f) denial of effective protection against crime and adequate response to sexual and gender-based violence. A significant segment of the population in Gali, Tkvarcheli and Ochamchira districts has no valid documentation. The non-issuance of proper documentation in the past eight years has had a substantial negative impact on children, whose parents were not able to obtain necessary documents for them owing to their own lack of valid documents.

34. Since the conflict in August 2008, the United Nations agencies, funds and programmes have regrettably lacked operational access to South Ossetia apart from the humanitarian assessment mission conducted by UNHCR in August 2016. The recent assessment mission provided some information on displacement and return movements, notably to Akhalgori, as well as the humanitarian needs of the population in South Ossetia more generally. However, in order to further assess the humanitarian situation and identify and address specific needs, as well as facilitating freedom of movement across the administrative boundary line, sustained humanitarian access needs to be discussed and agreed with both the authorities in control and the Government of Georgia. In addition, in preparation for the rounds of the Geneva international discussions, the Co-Chairs and United Nations staff were able to visit Tskhinvali and familiarize themselves with the latest developments. I strongly encourage the relevant stakeholders to help to actively facilitate access to South Ossetia in order to allow UNHCR and other humanitarian and development agencies to provide assistance to the population and support the particularly vulnerable among those displaced.

B. Institutional framework and operational measures

35. The United Nations-coordinated "Abkhaz strategic partnership framework", established among humanitarian partners, remained in force during the reporting period. In addition to building confidence, it aimed at achieving durable solutions for returnees through integrated protection and assistance activities and promotion of their rights in Gali, Ochamchira and Tkvarcheli districts. The initial focus on returnees has over the years been replaced by agency strategies and actions targeting all vulnerable populations in Abkhazia. Such efforts bring together as strategic partners, under the overall coordination of the United Nations Resident Coordinator, UNHCR, the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), UN-Women and international NGOs, namely, Action Against Hunger, the Danish Refugee Council and World Vision International, as well as some additional humanitarian actors in an observer capacity. Collectively, support is provided in multiple sectors: health; livelihoods, agriculture and economic recovery; housing assistance and community infrastructure; education, youth and social services; environment; and protection.

36. The status-neutral liaison mechanism, established by UNDP in 2012 (see A/64/819, para. 13, and A/65/846, para. 21), continued to operate during the reporting period, including in facilitating the delivery of vaccines, medicine and other forms of humanitarian assistance to Abkhazia. The effectiveness of this mechanism is based in large part on the acceptance and support by all sides for its status-neutral and human rights-based approach.

37. During the reporting period, the United Nations agencies, funds and programmes continued to respond to humanitarian needs. UNICEF continued to support improving access for vulnerable mothers, children and youth throughout Abkhazia to quality health-care, education (including mother tongue-based multilingual education) and social services. In particular, UNICEF continued to support the routine immunization programme and, together with UNDP, provided equipment to medical institutions. UNICEF has also organized training for medical professionals in the fields of maternal and child health care, HIV/AIDS, sexually transmitted infections, oncology, healthy lifestyles and emergency medical care, as well as information technology skills. UNICEF further provided rural medical points with basic equipment and training, and carried out hygiene and immunization promotion and education activities in rural schools. In cooperation with World Vision International and local partners, UNICEF also continued to support basic social services for children living with disabilities and their families. UNICEF also started a training programme for teachers in Abkhazia on student-centred teaching methodologies and continued to support youth participation and development, as well as confidence-building, through 36 youth clubs throughout the conflict-affected areas of Abkhazia, Samegrelo and Shida Kartli. UNDP continued to support improved access to health care for conflict-affected communities in Abkhazia by rehabilitating crucial medical infrastructure and building the capacity of medical personnel and teachers. In 2016, UNDP implemented the non-structural rehabilitation of the Inguri Bridge, significantly improving humanitarian conditions for hundreds of thousands of travellers crossing it every year.

38. Over the past few years, UNDP has paid special attention to youth in returnee and conflict-affected communities and their connectivity to various international educational opportunities. In 2014-2015, in collaboration with local NGOs, UNDP created a network of seven computer-based training centres offering access to information technology and training to more than 1,100 local beneficiaries. In 2016 and the first half of 2017, UNDP supported 15 schools with information technology equipment and facilitated computer skills training for over 500 teachers and students in Abkhazia. UNDP continued to support electronic library and innovative information technology initiatives at a local university and offered young people English language classes with certification that enabled them to access graduate and postgraduate education abroad. It also promoted student-centred methodologies in foreign language learning in rural schools and a university.

39. UNHCR, in partnership with local and international NGOs and authorities in control, continued to address obstacles to sustainable return by providing a limited number of individual cash grants to vulnerable families, legal advice and counselling in relation to documentation issues and access to rights and services. Moreover, efforts to strengthen the prevention of and response to sexual and gender-based violence continued through medical, legal and psychosocial counselling and awareness-raising campaigns by a local NGO. UNHCR transferred its partnership with this organization to UN-Women on 1 January 2017 as a reflection of the transition towards a development approach to this activity. UNHCR also implemented the rehabilitation of small community infrastructure projects, provided employment opportunities for young returnees and free transportation for a number of children to their schools and for vulnerable persons among the daily commuters

over the Inguri Bridge. While UNHCR as a humanitarian agency has over the years reduced its individual material assistance in Abkhazia, it remains committed to the provision of community-based forms of support, notably to enhance the protection of vulnerable persons and the rehabilitation of community infrastructure, benefiting both returnees and host communities. UNHCR will also continue to advocate for development actors to engage in funding and support for livelihood projects in both urban and rural centres and for the enhancement of public works and infrastructure.

40. The issue of freedom of movement across the administrative boundary line has security, humanitarian and human rights dimensions and remains of utmost importance to the local population. Developments during the reporting period were marked by two trends: enhanced control and limitations, and formalization of crossings. So-called "borderization" measures, including the decision by the authorities in control in Abkhazia to close all but two crossing points, blockage of footpaths, increased and more systematic surveillance by Russian Federation border guards and strict fining practices, were reported. The local population was able to continue to move across the Inguri Bridge. Regrettably, however, four crossing points have been closed by the authorities in control in Abkhazia, with only two remaining operational (main Inguri and Saberio-Papinrkhua/Pakhulani). I strongly encourage the relevant authorities to take all steps to facilitate the freedom of movement and freedom of travel of all segments of the local population and allow their movement and travel in safety and dignity. In this context, I welcome the rehabilitation of the Inguri Bridge by UNDP and the operation by UNHCR of a shuttle bus traversing this bridge for vulnerable persons, and I hope that this service can be expanded through the establishment of a second shuttle bus given the high demand for and satisfaction expressed by all with this service.

41. Persons in need should be able to gain access to medical attention wherever it can be offered as quickly as possible and at the highest possible standard. I call upon all stakeholders to exercise maximum care and flexibility in this regard and improve the conditions for the crossings, including through the introduction of a fast-track procedure for the vulnerable. Similarly, schoolchildren of ethnic Georgian descent should benefit from instruction in their mother tongue if so wished, and access to such instruction should be facilitated within reasonable travel time and through the shortest possible crossing of the administrative boundary line.

42. The local population in Gali district, including returnees, remains concerned about freedom of movement, continued contact with family members and friends residing on the other side of the Inguri River and access to social infrastructure, including medical facilities and markets in Zugdidi district. The development and implementation of a crossing regime that allays those concerns remains crucial for improving the living conditions of the local population, advancing the reintegration of returnees and preventing renewed displacement. In that context, it is essential to identify and implement solutions for the provision of documentation in conformity with international law, including international human rights law, and the principles governing the prevention and reduction of statelessness. I urge the respective authorities to take pragmatic steps to solve this recurring problem without delay and allow children especially to cross at convenient and safe locations.

43. There is a complex nexus between the individual right to voluntary, safe and dignified return and the establishment of the conditions conducive to such return. The individual's right to return, in the case of an internally displaced person, derives from his or her right to freedom of movement as stipulated in international human rights instruments. It is essential to recognize that return is both a human right and a humanitarian issue and therefore cannot be directly linked to political questions or the conclusion of peace agreements. It must be addressed irrespective of any solution to the underlying conflict. At the same time, it is primarily for the

individual to assess the risks and make an informed choice as to whether or not to return at a given time. In doing so, a displaced person must be able to take into account all factors that could affect his or her safety, dignity and ability to exercise basic human rights.

44. The United Nations is committed to assisting States in the search for durable solutions for displaced populations, and its engagement is based on the understanding that voluntary return in safety and dignity is one durable solution, the other two being local integration and resettlement. The role of the United Nations in the facilitation, design and implementation of organized return operations must be guided by the need to avoid causing harm or contributing to the exposure of persons of concern to possible human rights violations; any returns must be voluntary and conducted in safety and dignity. Therefore, activities related to organized returns must be based on a careful risk assessment, taking into consideration the existing security and human rights conditions and concerns, access to livelihoods and basic services and the voluntary nature of return. Unhindered humanitarian access and the ability of the United Nations and its mandated agencies, funds and programmes to effectively monitor all these factors is another aspect to be taken into account.

IV. Prohibition of forced demographic changes

45. Relevant international human rights standards should guide managed population movements, including evacuations, and thereby strictly limit forced movements, including those that result in demographic change. Principles and provisions of international law mentioned in my previous reports, as well as non-refoulement obligations governing the protection of refugees and others who flee their homes as a result of or in order to avoid the effects of armed conflict and situations of generalized violence, remain fully applicable. While no major new displacement was observed during the reporting period, the demographic consequences of earlier displacement remain.

V. Humanitarian access

A. International legal foundations governing humanitarian access

46. The need to establish and maintain humanitarian space is essential in order to effectively meet the humanitarian needs of conflict-affected and displaced populations, to mitigate suffering and to enable United Nations agencies, funds and programmes to exercise their mandates. In that context, it remains important that all sides respect their obligations and act in good faith to fully implement the principle of humanitarian access, which is rooted in international humanitarian and human rights law. The free passage of relief goods and the facilitation of humanitarian operations are correlated to a number of human rights, including the right to life, the right to a decent standard of living and the right to protection against discrimination. Moreover, building on the practice of the United Nations human rights treaty bodies, there is growing acceptance that the obligation of States to respect, protect and fulfil human rights includes an obligation to invite, accept and facilitate international (humanitarian) assistance, in particular if the State's resource capacities or other obstacles, such as a lack of effective control of parts of the territory, limit its capacity to effectively address all humanitarian needs.

47. In the context of international conflict situations, international humanitarian law requires the establishment of conditions for the rapid and unimpeded passage of all relief consignments, equipment and personnel. In non-international conflicts,

States must organize relief actions for the civilian population, without any adverse distinction. The universal acceptance of those rules has established, as a norm of customary law in both international and non-international conflicts, that parties to a conflict must allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need. Furthermore, arrangements pertaining to relief personnel must be simplified to the greatest extent possible. I therefore encourage measures to enable and facilitate such efforts, made difficult by the Georgian "Law on Occupied Territories" in its current form and by the increased controls and limitations imposed by the authorities in control in Abkhazia and South Ossetia in relation to the movement and presence of humanitarian agencies and their personnel.

B. Operational challenges

48. I have previously informed the General Assembly of the Government of Georgia's declared intention to pursue a more open form of engagement, and I continue to welcome such efforts. However, ambiguities in the current legislation, and also between the "Law on Occupied Territories" and the "State strategy on occupied territories", complicate the operational environment for international and local actors involved in humanitarian, peacebuilding and other activities and constrain the development of an enabling environment for more direct and effective interaction. In the spirit of constructive engagement, I encourage the Government of Georgia to facilitate and enable such efforts, allowing for unhindered, sustainable humanitarian access and service delivery by humanitarian partners and permitting the conduct of financial and administrative transactions by these partners.

49. The United Nations agencies, funds and programmes were able to implement protection, humanitarian assistance, recovery and development activities in Abkhazia as planned. However, the restrictions preventing local staff of international organizations, including United Nations agencies, from obtaining permits for crossing the administrative boundary line from the authorities in control in Abkhazia further complicate such humanitarian movements. Moreover, recent restrictions on travel to the lower Gali zone — for international personnel, a permit to access the zone is required at checkpoints — bring new impediments to the effective operation of international organizations in Abkhazia. In addition, ongoing humanitarian needs notwithstanding, it is widely recognized, including by the international donor community, that needs have increasingly shifted from humanitarian assistance towards early recovery activities and to the delivery of more sustainable support. The United Nations Resident Coordinator is facilitating an inclusive dialogue on this matter among international donors and with relevant authorities.

50. On 30 January 2015, the authorities in control in Abkhazia communicated formally their agreement to allow the work of all international and non-governmental organizations within Gali, Ochamchira and Tkvarcheli districts and of United Nations agencies without geographical restrictions. The communication superseded the letter of 28 January 2013 to several agencies requesting a focus of activities on Gali district. This approach, whenever fully implemented, allows agencies to contribute to addressing the needs of the most vulnerable in all areas of Abkhazia and is in line with international standards for the work of international agencies. It should continue to be implemented in a consistent manner.

51. However, since May 2015, the authorities in control in Abkhazia have introduced procedures obliging the national staff of United Nations agencies and international NGOs in Abkhazia to undergo interviews with the Abkhaz "security service" before crossing the administrative boundary line. This practice has limited

the operational flexibility of United Nations agencies and international NGOs in Abkhazia, adding to already existing operational difficulties caused by the fact that national staff of United Nations agencies and international NGOs are not allowed access to Abkhazia. I call upon all relevant parties to ensure unimpeded access for all categories of personnel of all United Nations agencies and international NGOs.

52. Given the need for a proper transition from humanitarian assistance through recovery to longer-term sustainable development, it is important to avoid gaps in the transition process and ensure that the remaining humanitarian needs and contingency considerations are fully met. In this regard, I reiterate my call for respect for the international principles governing humanitarian access, including the unhindered movement of personnel of international organizations, for flexibility and for practical approaches and measures to be taken by all stakeholders therein. Consultations must also continue among all relevant stakeholders in order to ensure the flow of up-to-date information on the humanitarian needs of the population and to improve coordination.

VI. Property rights of refugees and internally displaced persons

53. Property-related issues remained on the agenda of Working Group II of the Geneva international discussions. Obstacles to resolving those issues, as well as my call for all parties to adhere to the principles on housing and property restitution for refugees and displaced persons (referred to as the "Pinheiro principles") and the underlying norms of international law, including international human rights law, as outlined in my report of 20 May 2013 (see A/67/869, paras. 58-60), remain valid. The Special Rapporteur on the human rights of internally displaced persons noted during the visit in September 2016 that internally displaced persons are entitled to the restitution of, or compensation for, their lost property, regardless of whether they have chosen to return, integrate in their area of displacement or relocate elsewhere.

VII. Timetable for the voluntary return of all refugees and internally displaced persons and work towards durable solutions

54. No agreement or timetable for the voluntary return of all refugees and internally displaced persons has been developed, given the prevailing environment and continued discussions among the parties. Working Group II of the Geneva international discussions could not deal with the issue of voluntary return owing to the continued unwillingness of some participants to discuss the matter. I reiterate that as long as the conditions for organized returns in safety and dignity are not fulfilled and mechanisms for property restitution are not established, the design of a comprehensive timetable or road map for returns must remain an open matter to be addressed. Those challenges should not prevent the parties from working towards identifying durable solutions for all displaced persons, giving particular attention to the implementation of the right of return. I reiterate my call for all participants in the Geneva international discussions to engage constructively on this issue, in accordance with international law and relevant principles.

55. In the absence of conditions conducive to organized return and appropriate implementation mechanisms, the United Nations agencies, funds and programmes will continue to concentrate their efforts on providing the conflict-affected populations, including returnees or persons in the process of returning, with assistance and support for their reintegration. The United Nations agencies, funds

and programmes remain committed to proceeding at the appropriate time, in consultation and cooperation with all parties concerned, with the development of a timetable or road map addressing all components outlined in my report (A/63/950).

VIII. Conclusion

56. Over the past eight and a half years, the Geneva international discussions, co-chaired by the United Nations, the European Union and OSCE, have remained the single forum for the stakeholders to discuss security and stability and humanitarian issues, in particular those relating to the return of refugees and internally displaced persons. Despite the difficult nature of the discussions, the complexity of the issues and divergence in the positions, the participants in the discussions have continued to engage on a regular basis. These efforts, together with humanitarian engagement by a variety of United Nations agencies, funds and programmes and other actors, have contributed to some improvements in the security and humanitarian situation on the ground, but have not resulted in conditions conducive to the return of displaced populations.

57. Regrettably, a number of key security, humanitarian, human rights and development challenges remain unresolved. I am also concerned by the continued negative trends related to the so-called "borderization", restrictions on freedom of movement and other unilateral actions, including those that inhibit the possible return of internally displaced persons as well as the ability of humanitarian and development actors to operate freely in Abkhazia and South Ossetia.

58. I urge all stakeholders to demonstrate sufficient political will to undertake practical and constructive efforts to make tangible progress on key security and humanitarian issues on the agenda of the Geneva international discussions. This is critical in order to enable the improvement of the security and human rights situation and to meet the pressing humanitarian concerns of the affected population, including internally displaced persons, as well as to enable sustainable peace and development for the entire region. While I am encouraged by the stakeholders' commitment to the Geneva international discussions, I once again call upon all participants to uphold and deepen their engagement in the Geneva international discussions, including the meetings of the Joint Incident Prevention and Response Mechanism in Gali and Ergneti; to preserve and expand humanitarian space and respect for human rights; and to refrain from any unilateral actions that may have an adverse impact on regional peace and security and the humanitarian and development situation of affected populations and undermine the work of the Geneva international discussions. I also urge donors to continue and strengthen their support for the multifaceted humanitarian, development, conflict prevention and confidence-building efforts.